

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TECHNOMARINE SA, a Swiss  
Corporation,

Plaintiff,

– against –

GIFTPORTS, INC., a New York  
Corporation; and DOES 1-10, inclusive,

Defendants.

Civil Action No. 11 Civ. 9643 (DAB)

**ECF**

**NOTICE OF MOTION TO DISMISS**

PLEASE TAKE NOTICE that upon the Complaint, the Stipulation and Order entered March 14, 2012 (Docket No. 8) and the accompanying Declaration of William Thomashower dated March 28, 2012 and the exhibits thereto, and upon the accompanying Memorandum of Law, Defendant Giftports, Inc. moves this Court, before the Hon. Deborah A. Batts, U.S.D.J., in Courtroom 24B at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, NY 10017, for an Order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing the Complaint on the grounds of res judicata, failure to state a claim and on the grounds of acquiescence, equitable estoppel and laches.

PLEASE TAKE FURTHER NOTICE that pursuant to the Stipulation and Order of March 14, 2012, plaintiff's opposition papers are to be served on the undersigned counsel

and filed on or before April 20, 2012, whereupon defendant's reply papers are to be served and filed on or before May 1, 2012.

Dated: New York, New York  
March 28, 2012

SCHWARTZ & THOMASHOWER LLP

By: s/William Thomashower

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